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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,964	11/25/2003	Mabrouk Ouedemi	2000-16 CIP-2	4353
7590 07/24/2006 GREHORY N. CLEMENTS INVISTA NORTH AMERICA S A R.L. 4501 CHARLOTTE PARK DRIVE CHARLOTTE, NC 28217			EXAMINER YAO, SAMCHUAN CUA	
			ART UNIT 1733	PAPER NUMBER

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/721,964	Applicant(s) OUEDERNI ET AL.	
	Examiner Sam Chuan C. Yao	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,8 and 10-20 is/are pending in the application.
 4a) Of the above claim(s) 15-20 is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1,3-5,7,8 and 10-14 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Huard et al (US 6,517,848), JP 61231221, and Seal (US 5,041,104).

With respect to claims 1 and 10, AAPA discloses an absorbent core comprising a dry-laid fibrous web. The fibrous web includes 80 wt% wood pulp, 10 wt% bicomponent binder fibers, 10 wt% polyester fibers and optionally up to about 25 wt% SAP; wherein the fibrous web is heated to activate the binder fibers to form a unitary absorbent core (specification; page 2 full paragraph 1). It is unclear whether the wood pulp suggested in the process of the AAPA is a wood pulp fluff. In any event, such would have been obvious in the art as such is an art recognized effective and preferred absorbent fibrous material for an absorbent core as exemplified in the teachings of Huard et al (col. 9 lines 1-13).

While a dry-laid web is not characterized as air-laid web, an air-laid web is nevertheless taken to embrace a dry-laid web since these two terms are

synonymously applied in the art. In any event, such would have been obvious in the art since an air-laying operation is an art recognized effective and convenient way for forming continuously an absorbent fibrous web.

AAPA is silent on whether the polyester fibers in a dry laid fibrous web are hollow fibers. However, it would have been obvious in the art to use hollow polyester fibers such as the one taught by JP '221, because: a) JP '221 teaches using particular type of polyester hollow fibers as these fibers have "excellent water and moisture absorption properties" (English abstract); and b) Seal, drawn to making an absorbent fibrous web, teaches using polyester hollow fibers to enhance a loft/bulk characteristic of the absorbent web (col. 3 lines 48-51).

With respect to claim 11, cotton fibers are another well known highly absorbent material in the art, which are commonly incorporated into an absorbent core.

Since it is now well settled that "It is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the same very same purpose ..." (MPEP 2144.06). Moreover, it is a notoriously common practice in the art to form an absorbent web comprising a blend of wood pulp fluff and cotton fibers. It would have been obvious in the art to use a blend of wood pulp fluff and cotton fibers in addition to various components in an absorbent core of the AAPA. None but only the expected result of forming an absorbent core having the desired characteristics would have been achieved.

With respect to claims 12-13, while an absorbent core of the AAPA optionally includes SAP, AAPA is silent on the particular material which is used for making the SAP. However, since: a) the various SAPs recited in these claims are art recognized effective SAPs for making an absorbent core; and b) it is well within the purview of choice in the art to choose from among the well known SAPs in the art, it would have been obvious in the art to use the various SAPs recited in these claims. None, but only the expected result of enhancing an absorbency (for a given weight) of an absorbent core would have been achieved.

With respect to claim 14, though not expressly disclosed, it is implicitly understood that an absorbent core of AAPA is used for making (for instance) incontinent pads, sanitary napkins, etc. In any event, it would have been obvious in the art to form an incontinent pad or a sanitary napkin comprising an absorbent core of the AAPA, because one in the art would have chosen from among known effective absorbent cores in the art.

3. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references set forth in numbered paragraph 3 as applied to claim 1 above, and further in view of Barge et al (US 5,989,688).

Since Barge et al, drawn to making an absorbent article, discloses the desirability of using polyester hollow fibers which are derived from a polyethylene terephthalate (PET) and have a dtex of around 6 (abstract; col. 1 lines 9-28; col. 17 line 41 to col. 18 line 42), these claims would have been obvious in the art.

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4. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art references set forth in numbered paragraph 3 as applied to claim 1 above, and further in view of Daley et al (US 6,723,892).

Since PE/PET bicomponent binder fibers are art recognized effective bonding fibers bonding fibrous components of an absorbent system, claim 7 would have been obvious in the art. Moreover, since grafting PE is an art recognized effective way to lower the melting temperature of the PE, it would have been an obvious expediency in the art to use grafted PE/PET in order to reduce heating cost as well as prevent degrading components in an absorbent material during heat-activation of the bi-component binder fibers. For this reason, claim 8 would have been obvious in the art.

Response to Arguments

5. Applicant's arguments with respect to claim 1 has been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

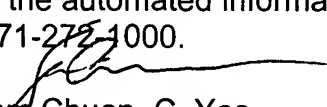
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (571) 272-1224. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richard Crispino can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sam Chuan C. Yao
Primary Examiner
Art Unit 1733

Scy
07-19-06